

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2016 Legislative Session, Legislative Day No.: February 9, 2016

Resolution No.: 223

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A RESOLUTION TO ESTABLISH VEHICLE WEIGHT LIMITS ON CHILCUTT ROAD AND A SECTION OF DOVER NECK ROAD PURSUANT TO § 25-102 (A) (11) OF THE TRANSPORTATION ARTICLE, ANNOTATED CODE OF MARYLAND, AND CHAPTER 134 OF THE TALBOT COUNTY CODE (ROADS ORDINANCE) IN ORDER TO RE-ROUTE HEAVY TRUCK "THROUGH TRAFFIC" TRAVELLING TO AND FROM THE MIDSHORE I REGIONAL LANDFILL/TRANSFER STATION LOCATED AT 7341 BARKERS LANDING ROAD, EASTON, MARYLAND 21601

By the Council: February 9, 2016

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, March 8, 2016 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____


Susan W. Moran, Secretary

A RESOLUTION TO ESTABLISH VEHICLE WEIGHT LIMITS ON CHILCUTT ROAD AND A SECTION OF DOVER NECK ROAD PURSUANT TO § 25-102 (A) (11) OF THE TRANSPORTATION ARTICLE, ANNOTATED CODE OF MARYLAND, AND CHAPTER 134 OF THE TALBOT COUNTY CODE (ROADS ORDINANCE) IN ORDER TO RE-ROUTE HEAVY TRUCK “THROUGH TRAFFIC” TRAVELLING TO AND FROM THE MIDSHORE I REGIONAL LANDFILL/TRANSFER STATION LOCATED AT 7341 BARKERS LANDING ROAD, EASTON, MARYLAND 21601

WHEREAS, the Talbot County Roads Department has noted excess wear and tear to certain County-owned and maintained roads east of U.S. Route 50, including Dutchmans Lane, Chilcutt Road, Manadier Road, and Schwaniger Road (the “Affected Roads”), due to heavy truck “through traffic” travelling to and from the Midshore I Regional Landfill/Transfer Station located at 7341 Barkers Landing Road, Easton, MD 21601 (the “Transfer Station”); and,

WHEREAS, the heavy truck traffic causes the County to incur additional and unnecessary road maintenance expenses, both to repair the roads and to clean up rubbish and refuse that has fallen from unsecured vehicles onto the roadway. Further, said traffic poses a potential safety threat to conventional motorists and other users of the Affected Roads, which were not designed to accommodate heavy truck traffic and are limited in width; and

WHEREAS, § 10-206 (a) of the Local Government Article provides that a county council may pass any ordinance, resolution, or bylaw not inconsistent with State law that may aid in executing and enforcing any power in this title or may aid in maintaining the peace, good government, health, and welfare of the county; and,

WHEREAS, § 25-102 (a) (11) of the Transportation Article provides that “[t]he provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction . . . Regulating through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the local authority has designated an adequate alternate route for diverted truck traffic”; and,

WHEREAS, § 134-4 of the Talbot County Code (the “Code”) provides that “The County Council is authorized to adopt and amend ordinances or regulations to govern all aspects of County roadways and bridges . . . [and] to establish fines and penalties for violation thereof, and to enact laws providing appropriate administrative and judicial proceedings, remedies, civil penalties, and other sanctions for enforcement”; and,

WHEREAS, Code § 134-7 D. provides that “The County Council may permanently restrict or close a County roadway or bridge in accordance with the requirements of law to protect the public safety or public or private property”; and,

WHEREAS, Code § 134-7.1 A. provides that “The County Council, by resolution, may adopt regulations for preservation of County roadways that include restrictions or limitations

upon the use of County roadways by vehicles or other equipment that cause more than ordinary wear and tear”; and,

WHEREAS, the County Council finds that establishing weight limit restrictions on Chilcutt Road and the section of Dover Neck Road as shown on Exhibit “A”, attached, will accomplish the goal of re-routing heavy truck through traffic to and from the Transfer Station and thereby alleviate pressure on the Affected Roads.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, as follows:

Section 1. Definitions. For purposes of this Resolution, the following terms shall have the meanings indicated:

“Combination” means the combination of a motor vehicle with one or more other vehicles propelled or pushed as a unit.

“Gross combination weight rating (GCWR)” means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle.

“Gross vehicle weight rating (GVWR)” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“Motor vehicle” means a vehicle that is self-propelled.

“Vehicle” means any device in, on, or by which any individual or property is or might be transported or towed on a road or highway.

Section 2. Weight limits. Vehicles exceeding the following weight limits are prohibited from traveling on Chilcutt Road and the section of Dover Neck Road stretching from the intersection of Dutchmans Lane and Manadier Road north to the intersection of Dover Neck Road and Barkers Landing Road as shown on Exhibit “A”, attached hereto and incorporated herein, (collectively, the “Regulated Roads”):

Chilcutt Road:

GVWR	10,000 lbs.
GCWR	10,000 lbs.

Dover Neck Road:

GVWR	17,000 lbs.
GCWR	17,000 lbs.

Section 3. Exceptions. The following vehicles are exempt from the weight limits set forth in the preceding section:

(i) vehicles owned or operated by a federal, state, or local government entity or its employees;

(ii) vehicles engaged in agricultural production or operations;

(iii) vehicles responding to an emergency;

(iv) vehicles belonging to owners of land located along or only accessible by the Regulated Roads, provided the vehicles are routinely kept or stored on the land; and,

(v) vehicles used in connection with providing a *bona fide* service to landowners, tenants, or residents located along or only accessible by the Regulated Roads. For illustration purposes only, a *bona fide* service includes delivering heating oil or other goods to the property, picking up trash or other items, and conducting work related to improving the property or any structures thereon.

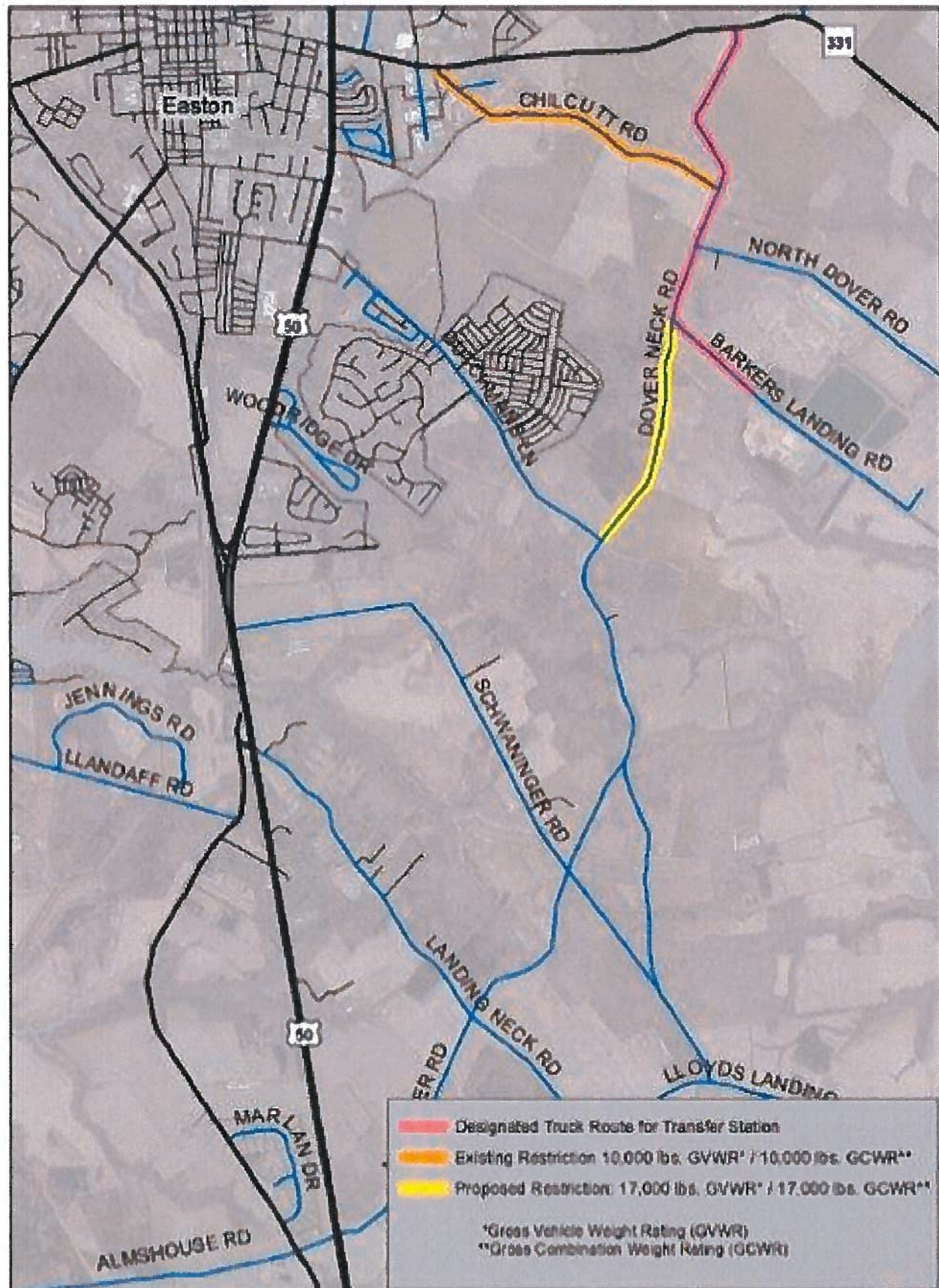
Section 4. Posting. Signs shall be posted in accordance with any applicable federal, State, or local laws in such a manner as to reasonably advise vehicle operators of the weight limits and the prohibition on through traffic as set forth herein.

Section 5. Designated alternate route. Through truck traffic that is subject to the weight limits established by this Resolution may access the Midshore I Regional Landfill/Transfer Station located at 7341 Barkers Landing Road, Easton, MD 21601 via U.S. Route 50, Maryland Route 331, and the northern section of Dover Neck Road, shown and labeled "Designated Truck Route for Transfer Station" on Exhibit "A."

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its date of passage.

Proposed Vehicle Weight Limits

EXHIBIT "A"



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ in the County Council Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Secretary

Pack -

Williams -

Bartlett -

Price -

Callahan -

EFFECTIVE: